IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPL. NO. 4760 OF 2004.
IN
CRIMINAL APPEAL NO. 1324 OF 2004.

Aftab Saeed Ahmed
Shaikh & Ors. ..Applicants.

VERSUS.

The State of Maharashtra. ..Respondent.

...

Mr. B.R.Patil APP for the State.

CORAM: S. B. MHASE &
ANOOP V. MOHTA, JJ.

DATE : DECEMBER 6, 2004.

P.C.:-

1. The learned counsel for the applicant is absent. Mr.B.R.Patil, learned APP appears on behalf of the respondent. This is application for condonation of delay to condone the delay of 39 days. The applicant is in jail. In the circumstances, the delay is condoned.

2. Specific Directions to the Registrar Judicial.

. It is revealed on perusal of this criminal application that this application is filed on 28.10.2004. On presentation note, we find that there are names of two advocates, namely, (1) Amin Solkar & (2) M.H.Banderkar. However, neither criminal application nor the synopsis is

signed by either of the advocates, though there is signature of Mr. Banderkar on the presentation form. We have further scrutinised that main appeal has been filed in the name of Mr. Amin Solkar, however, there is no signature of Mr.Amin Solkar on synopsis, index and appeal Memo. There is signature of Mr. Banderkar. On perusal of the vakalatnama it is found that the vakalatnama is in the name of Mr. Amin Solkar. The name of Mr. Banderkar is not reflected in the vakalatnama. However, the said vakalatnama is not signed by Mr. Amin Solkar, it is signed by Mr.Banderkar. But basically when the vakalatnama is not signed by Mr. Amin Solkar, it is inappropriate to show the name of Mr. Solkar. But if Mr.Banderkar is filing the matter on behalf of Mr.Solkar, then in that eventuality unless there is signature of Mr.Solkar, the office should not have accepted the papers. What we find that the section officer who is supposed to scrutinise the matter as per practice note Number 16 has not carried out the duties assigned to him as directed by the Hon'ble the Chief Justice of this High Court. The concerned section officer has simply ignored the said note, namely, Practice Note No.16, and permitted the presentation of this appeal and also the criminal application. Therefore, the Registrar (Judicial) is hereby directed to call for an explanation of the concerned section officer with a warning as to why the

Disciplinary Enquiry should not be initiated against him for flouting the directions contained in Practice Note No.16 issued by the Hon'ble the Chief Justice of this High Court.

3. S.O. to 14.12.2004.

(ANOOP V.MOHTA, J.) **(S.B.MHASE,J.)**

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